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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/926,008	09/09/1997	TOSHIO FUJIWARA	503-35636X00	6369

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ANTONELLI TERRY STOUT AND KRAUS
SUITE 1800
1300 NORTH SEVENTEENTH STREET
ARLINGTON, VA 22209

EXAMINER

SWARTHOUT, BRENT

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 11/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/19/08

Applicant(s)

Fujiwara et al.

Examiner

Brent A Swarthout

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6-4-02.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-59 is/are pending in the application.
- 4a) Of the above claim(s) 5-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 49-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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1. Applicant's petition filed 6-4-02 has not been acted on due to a request by applicant to reconsider the restriction so as to avoid extension and appeal fees. The examiner does not agree with the request to withdraw restriction or ~~to~~ withdraw finality based on arguments in the petition, but has agreed to withdraw the restriction and accept the burden to examine additional claims solely based on applicant's telephonic request to avoid additional fees made to the examine's supervisor. Therefore, since claims 53-59 were newly filed in response to the non-final rejections mailed on 5-22-01 and 6-14-01, rejection of claims 49-59 is hereby made final.

Since the restriction has ^{been} withdrawn and the present office action is made final, vacating the finality of the previous office action mailed 3-5-02, applicant's petition filed 6-4-02 is moot.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 49-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Behr et al. (789) in view of Sato.

Claims are rejected for the same reasons as set forth in paragraph No. 2 of the Office action mailed 3-5-02.

3. Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kakiyama et al in view of Behr et al. (789).

Kakiyama discloses a navigation display 26 comprising setting a retrieval condition SW4C (Fig. 3), displaying a retrieval result (Fig. 10A), wherein icon images in circles changes according to whether or not a parking facility is empty or full, except for specifically stating that a retrieval condition is transmitted and a retrieval result is received.

Behr discloses desirability to transmit retrieval requests in a vehicle navigation system to a central station, and having such data transmitted back to a vehicle for display (col. 3).

It would have been obvious to transmit and receive retrieval requests as taught by Behr in a system as disclosed by Kakiyama, in order to more easily maintain data updates by not having outdated data or difficult update techniques (col. 1, line 52- col. 2, line 4).

4. Claims 54-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al in view of Behr et al. (789).

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DeLorme discloses a navigation display comprising setting up retrieval conditions (Figs. 1C, 1G), displaying retrieval result (Fig. 1J), and displaying detail facility information when an icon is selected (Fig. 1K; col. 16, line 11-col. 17, line 6), except for specifically stating that a retrieval condition is transmitted and a retrieval result is received.

Behr discloses desirability of transmitting requests and receiving results as set forth above with regard to claim 53.

It would have been obvious to transmit and receive retrieval requests as taught by Behr in a navigation system as disclosed by DeLorme, in order to allow for use on vehicles while allowing updating of data without having to specifically provide update disks to each vehicle using the system.

Regarding claim 55, DeLorme discloses displaying plural images with a code common to each image plane (Burlington-3 of 3; Fig. 1K).

Regarding claim 56, DeLorme discloses detailed area 151 on a portion of image plane and map on other portion of plane (Fig. 1K).

Further regarding claims 54 and 57, use of a server as a data retrieval site would have been obvious, since this is a well

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known type of data retrieval equipment that allows for efficient retrieval of data for plural users.

Regarding claim 58, since DeLorme teaches displaying selected icon on an area overlying the map (Fig. 1K), choosing to display data at the center of a map would have been an obvious matter of engineering choice, based on user preference.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ando, Maekawa, Orlea, Tamano, Kanemitsu and Yajima disclose navigation displays.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent Swarthout whose telephone number is (703) 305-4383. The examiner can normally be reached on M-F from 6:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on (703) 308-6730. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

BS/ayc

October 29, 2002

Brent Swarthout

**BRENT A. SWARTHOUT
PRIMARY EXAMINER**